REMARKS

This is a complete response to the outstanding Office Action mailed April 23, 2009. Applicant respectfully requests reconsideration. Claims 74-82 were previously pending in this application. Claims 74-82 have been amended. As a result, claims 74-82 are pending for examination with claims 74, 77 and 80 being independent claims. No new matter has been added.

35 USC §103

The Examiner has rejected claims 74-82 under 35 USC §103(a) as being unpatentable over Oliphant et al. (US Patent No. 4,881,261, hereinafter "Oliphant"), in view of Beckle et al. (US Patent No. 5,153,909, hereinafter "Beckle"). Applicant respectfully traverses this rejection as the combination of Oliphant and Beckle does not result in Applicant's claims.

Amended claim 74 recites a method for managing communications, wherein the method comprises processing inbound calls, processing outbound calls, obtaining an outbound call statistic on the outbound calls and adjusting the processing of the inbound calls based upon the outbound call statistic. The combination of Beckle and Oliphant does not disclose every

limitation of claim 74, and therefore Applicant asserts that the Examiner has failed to establish a prima facie case of obviousness.

The Examiner states that Oliphant fails to teach that assigning agents to process inbound calls is based on the statistics of outbound calls. The Examiner is correct. The Examiner next attempts to cure this deficiency by stating that Beckle discloses a method in an automatic call distribution (ACD) system that teaches obtaining the statistics of a queue and assigning agents from one call queue to another based on the statistics. Applicant asserts that the action of obtaining the statistic of a queue and then moving an agent from one queue to another based on that statistic is entirely different from Applicant's claimed method of "adjusting said processing of said inbound calls based upon said outbound call statistic".

The adjusting of processing of inbound calls based on outbound call statistics is not included in the disclosure of Beckle. The Examiner confirmed this fact in the Office Action dated September 25, 2008, when the Examiner stated "Beckle teaches processing statistic data, such as waiting time in a queue, and relocating (adjusting) agents from one call queue to another call

queue based on the statistic to control queue length, but **[Beckle]**

fails to specifically teach adjusting said processing of inbound

calls based on the statistic of said outbound calls". As such,

Applicant believes that the Examiner has stated that neither

Beckle, nor Oliphant, nor the combination of Beckle and Oliphant

disclose or even suggest Applicant's claimed limitation that

adjusting the processing of inbound calls is based upon outbound

call statistics.

Applicant respectfully requests reconsideration and

withdrawal of the claim 103 rejections based on Oliphant and

Beckle. Therefore, claim 74 should be allowed for at least the

above reasons. Applicant also respectfully submits that since

claims 75-76 depend on independent claim 74, claims 75-76 contain

all limitations of independent claim 74. Since independent claim

74 should be allowable, as argued herein, pending dependent claims

75-76 should be allowed as a matter of law for at least this

reason. In re Fine, 5 U.S.P.Q.2d 1596, 1608 (Fed. Cir. 1988).

Similarly, the combination of Beckle and Oliphant does not

lead to Applicant's claim 77 and 80, which include the claim

limitation that the processing of outbound calls is adjusted

based upon inbound call statistics. The same arguments used for

claim 74 are applicable to claim 77 and 80 for at least the same reasons as previously stated. Neither Beckle or Oliphant disclose a method of managing communications that includes obtaining an inbound call statistic on inbound calls and adjusting the processing of outbound calls based on this inbound call statistic. As a result, the combination of Beckle and Oliphant does not actually teach or even suggest all of the limitations of independent claims 77 and 80.

Applicant respectfully requests reconsideration and withdrawal of the claim 103 rejections based on Oliphant and Beckle. Therefore, claims 77 and 80 should be allowed for at least the above reasons. The Applicant also respectfully submits that since claims 78-79 and 81-82 depend on independent claims 77 and 80, respectively, claims 78-79 and 81-82 contain all limitations of independent claims 77 and 80, respectively. Since independent claims 77 and 80 should be allowable, as argued herein, pending dependent claims 78-79 and 81-82 should be allowed as a matter of law for at least this reason. In re Fine, 5 U.S.P.Q.2d 1596, 1608 (Fed. Cir. 1988).

CONCLUSION

A Notice of Allowance is respectfully requested. The Examiner is requested to call the undersigned at the telephone number listed below if this communication does not place the case in condition for allowance.

Applicant previously filed a Petition for Suspension of Action, which was granted on September 3, 2009 and remains in effect until December 3, 2009. Therefore, Applicant believes that no fees are currently due. However, if there is a fee occasioned by this response, including an extension fee, the Director is hereby authorized to charge any deficiency or credit any overpayment in the fees filed, asserted to be filed or which should have been filed herewith to our Deposit Account No. 02/3285, under Docket No. CONCERTO-500AX.

Respectfully submitted,
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